



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

May 14, 1999

David L. Nimmo, Esq.  
Johnson & Nimmo  
P.O. Box 1690  
Ada, OK 74820

Re: MUR 4867  
Tribal Alliance for Sovereignty  
Five Civilized Tribes  
Political Action Committee

Dear Mr. Nimmo:

On April 30, 1999, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 441a(a)(1)(A), 441a(a)(1)(C) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Andersen". The signature is written in a cursive style with a large, stylized 'T' and 'A'.

Thomas J. Andersen  
Attorney

Enclosure  
Conciliation Agreement

2025 RELEASE UNDER E.O. 14176

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Tribal Alliance for Sovereignty  
Five Civilized Tribes Political Action Committee  
and Jerry Haney, as treasurer

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Commission found reason to believe that the Tribal Alliance for Sovereignty violated 2 U.S.C. § 441a(a)(1)(C), and that Five Civilized Tribes Political Action Committee and Jerry Haney, as treasurer (collectively, "Respondents"), violated 2 U.S.C. §§ 441a(f) and 441a(a)(1)(A).

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondents and the subject matter of this proceeding. This jurisdiction statement is to be binding only in the instant matter between Respondents and the Commission. This agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Five Civilized Tribes Political Action Committee ("Committee") is a "political committee" within the meaning of 2 U.S.C. § 431(4).
2. Jerry Haney is the Committee's treasurer.
3. The Tribal Alliance for Sovereignty is a "person" within the meaning of 2 U.S.C. § 431(11).
4. The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that no person, including non-qualified political committees, shall make contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which in the aggregate exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A).
5. The Act further provides that no person shall make contributions to any other political committee (excluding party committees) in any calendar year which in the aggregate exceed \$5,000. 2 U.S.C. § 441a(a)(1)(C).
6. No candidate or political committee shall knowingly accept any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f).

7. In its 1996 30 Day Post-General Report, the Committee disclosed contributions totaling \$25,000 received from the Tribal Alliance for Sovereignty. These contributions were reported as made as follows:

| <u>AMOUNT</u> | <u>DATE</u>      |
|---------------|------------------|
| \$15,000      | March 22, 1996   |
| \$5,000       | October 31, 1996 |
| \$5,000       | November 1, 1996 |

8. The Committee's Post-General Report also disclosed contributions to two Federal candidates during the 1996 congressional election campaigns in Oklahoma as follows:

| <u>CANDIDATE</u>          | <u>AMOUNT</u> | <u>DATE</u>     |
|---------------------------|---------------|-----------------|
| Darryl F. Roberts (3d CD) | \$5,000       | August 22, 1996 |
| Glen D. Johnson (2d CD)   | \$5,000       | October 2, 1996 |

9. Pursuant to 2 U.S.C. § 441a(a)(1)(C), the Tribal Alliance for Sovereignty could not contribute more than \$5,000 to any political committee in any calendar year. It exceeded this limit by \$20,000 when it contributed a total of \$25,000 to the Committee in 1996.

10. As a non-qualified political committee, the Committee was limited to a maximum aggregate contribution of \$1,000 to any Federal candidate for any single election. See 2 U.S.C. § 441a(a)(1)(A). The Committee exceeded this limit by \$4,000 when it made a \$5,000 contribution to the campaign of Darryl Roberts on August 22, 1996. It made an excessive contribution in the same amount when it gave \$5,000 to the campaign of Glen Johnson on October 2, 1996.

V. 1. Respondent Tribal Alliance for Sovereignty made excessive contributions in the amount of \$20,000 to the Five Civilized Tribes Political Action Committee in 1996, in violation of 2 U.S.C. § 441a(a)(1)(C).

2. Respondent Five Civilized Tribes Political Action Committee and Jerry Haney, as treasurer, accepted \$20,000 in excessive contributions from the Tribal Alliance for Sovereignty in violation of 2 U.S.C. § 441a(f), and made \$8,000 in total excessive contributions to the campaigns of Darryl F. Roberts and Glen D. Johnson, in violation of 2 U.S.C. § 441a(a)(1)(A).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of twenty-thousand dollars (\$20,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent Five Civilized Tribes Political Action Committee and Jerry Haney, as treasurer, shall refund the \$20,000 in excessive contributions to the Tribal Alliance for Sovereignty, and shall provide evidence of such refund to the Commission.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.


IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

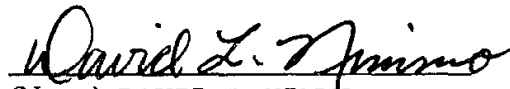
BY:

  
Lois G. Lerner  
Associate General Counsel

Date

5/13/99

FOR THE RESPONDENTS:



(Name) DAVID L. NIMMO

(Position) Attorney for Tribal Alliance  
for Sovereignty and Five Civilized  
Tribes Political Action Committee

Date

April 12, 1999